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August 25, 2000

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Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED
AUG 25 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Written *Ex Parte* in CC Docket No. 98-147, Deployment of Wireline Services Offering Advanced Telecommunications Capability, and CC Docket No. 96-98/Implementation of the Local Competition Provisions of the Telecommunication Act of 1996

Dear Ms. Salas:

At the request of Federal Communications Commission ("Commission") staff, on Tuesday, August 15, 2000, Tommy Williams, Randy Sanders, Jon Banks, Steve Klimacek, and I, representing BellSouth, met with members of the Common Carrier Bureau's Policy and Program Planning Division and of the Office of General Counsel. Bureau members attending this meeting included Kathy Farroba, John Stanley, Jessica Rosenworcel, Jon Reel, and Jake Jennings. Jim Carr, and Andrea Kearney represented the General Counsel's Office at the meeting. The purpose of the meeting was to discuss BellSouth's position regarding issues associated with line splitting. (The Commission characterized line splitting in the SBC 271 Order¹ as the situation in which the voice and data service are provided by competing carriers, other than the incumbent local exchange company ("ILEC"), over a single loop.²)

BellSouth's position on this issue is that it is willing to facilitate line splitting between a competitive local exchange carrier ("CLEC") that provides voice ("Voice CLEC") and a data providing CLEC ("Data CLEC"). BellSouth would cross-connect a loop and a port to the collocation space of either the Voice

¹ *In the Matter of Application by SBC Communications Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance; Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, FCC 00-238, rel. June 30, 2000 ("SBC 271 Order").

² SBC 271 Order, paragraph 325.

CLEC or the Data CLEC. The CLECs could then connect the loop and port to a CLEC-owned splitter, and split the line themselves. BellSouth would not own or maintain the splitter used for line splitting.

During the meeting, BellSouth was asked to address the claim that requiring the CLEC to own the splitter could result in an unnecessary interruption of service. Specifically, the concern was that if a Voice CLEC and Data CLEC are line splitting and the end-user desires to change data providers, the data traffic would be interrupted while transferring the loop and port from one CLEC-owned splitter to another. In contrast, it was perceived that if BellSouth owned the splitter, only a record change would be necessary.

Currently, BellSouth provides access to the high frequency portion of the loop for line sharing through the use of BellSouth-owned splitters. BellSouth leases splitters to Data CLECs in quantities of twenty-four (24) and ninety-six (96) units. When a Data CLEC orders a block of splitters, BellSouth will assign splitters to that Data CLEC consecutively in blocks of 24. BellSouth will provide the Data CLEC with splitter assignments that the Data CLEC must then use to advise BellSouth which splitter to use when seeking access to the high frequency spectrum on a particular loop. BellSouth also provides the Data CLEC with a bantam test jack associated with each splitter port that is located directly under the splitter port.

In the context of line sharing, if an end-user were to change from one Data CLEC to another, BellSouth would re-wire the end-user's loop to the new Data CLEC's splitter. This would result in a temporary service outage. The situation would be no different with line splitting.

If BellSouth were to leave the end-user's service on the original splitter, the new Data CLEC would have a splitter port somewhere among the block of splitter ports of the original Data CLEC. The original Data CLEC would also have one less splitter port available to it unless the new Data CLEC traded an unused port from its block of 24 to the original Data CLEC. The two Data CLECs would then need to exchange splitter assignment information among themselves, and also advise BellSouth of which unused port was traded to the original Data CLEC. This would create an administrative morass. Furthermore, it would undoubtedly create considerable confusion on the part of Data CLEC technicians attempting to identify the appropriate bantam test jack for a given loop. More importantly, even if BellSouth were to leave the end-user's data on the original splitter, there would still be an interruption of data service when the end-user's service is migrated from the original Data CLEC's DSLAM to the new Data CLEC's DSLAM.

The other issue of note raised during the meeting was that of agency. BellSouth believes that ILECs should not be obligated to deal with both the Voice CLEC

and the Data CLEC. Instead, only one CLEC should be the point of contact for ordering, maintenance and repair issues. BellSouth is currently reviewing which CLEC should be the point of contact, e.g., the first CLEC on the loop; the Data CLEC or the Voice CLEC.

Finally, BellSouth wishes to clarify one matter reflected on Page 6 of the document it used in its August 15, 2000 *ex parte* presentation to Commission staff in this docket. BellSouth indicates there that it "will permit CLECs to sublease a virtual collocation space." BellSouth will allow CLECs to share capacity with one another for the purposes of sharing the functionalities of the equipment virtually collocated. BellSouth would not be involved since the collocated CLEC (the host) must coordinate or share information regarding the equipment and assignments with the CLEC desiring capacity.

In accordance with Section 1.1206(b)(1), I am filing two copies of this written *ex parte* with you and asking that you include them in the record of CC Docket No. 98-147. Please call me if you have any questions or would like any additional information on BellSouth's position regarding line splitting.

Sincerely,

A handwritten signature in cursive script, reading "Kathleen B. Levitz".

Kathleen B. Levitz

cc: Kathy Farroba
Jake Jennings
Jessica Rosenworcel
John Stanley
Jon Reel
Jim Carr
Andrea Kearney